

**Village of Weston, Wisconsin**  
**OFFICIAL PROCEEDINGS OF THE PLAN COMMISSION AND**  
**JOINT TOWN & VILLAGE EXTRATERRITORIAL ZONING COMMITTEE**  
held on Monday, April 11, 2016 at 6:00 p.m., in the Board Room, at the Municipal Center  
Chairman White Presiding.

**A. OPENING OF SESSION AT 6:00 P.M.**

1. Joint Town & Village of Weston Extraterritorial Zoning Committee meeting called to order by Diesen.
2. Plan Commission meeting called to order PC Chairman White.
3. Clerk will take attendance and roll call.

Roll call indicated 4 Joint Town & Village of Extraterritorial Zoning Committee members present.

<u>Member</u>	<u>Present</u>
Christiansen, Randy	NO
Diesen, Dave	YES
Hull, Mark	YES
Kollmansberger, Tina	YES
Olson, Milt	NO
Stenstrom, Mike	YES

Roll call indicated 6 Plan Commission members present.

<u>Member</u>	<u>Present</u>
Diesen, Dave	YES
Johnson, Marty	YES
Kollmansberger, Tina	YES
Schuster, Fred	YES
Stenstrom, Mike	YES
White, Loren	YES
Zeyghami, Hooshang	NO

Village Staff in attendance: Higgins, Donner, Guild, Tatro, Maguire, Wehner, and Parker. There were 7 audience members present.

4. Requests for Silencing of cellphones and other electronic devices.

**B. PUBLIC HEARINGS BEFORE VILLAGE PLAN COMMISSION AND JOINT TOWN & VILLAGE EXTRATERRITORIAL ZONING COMMITTEE**

Diesen and White opened the public hearings at 6:09 p.m.

5. Ordinance No. 16-003 An Ordinance Amending Section 94.3.02 of the Zoning Ordinance Entitled *Treatment of Allowable Uses by Zoning District*.
6. Ordinance No. 16-004 An Ordinance Amending Section 94.4.02(4)7. of the Zoning Ordinance Entitled *Residential Land Use Types – Manufactured Home Community – Performance Standards*.
7. Ordinance No. 16-005 An Ordinance Amending Section 94.6.03(4), Figure 6.03 of the Zoning Ordinance Entitled *Conditional (C), Prohibited (R), And Permitted (P) Uses in WHP Overlay Districts*.
8. Ordinance No. 16-007 An Ordinance Amending Section 94.16.02(4) of the Zoning Ordinance Entitled *Zoning Administrator Review and Recommendation*, Section 94.16.02(5) of the Zoning Ordinance Entitled *Notice of Public Hearing*, Section 94.16.03 (4) of the Zoning Ordinance Entitled *Zoning Administrator Review and Recommendation*, Section 94.16.03(5) of the Zoning Ordinance Entitled *Notice of Public Hearing*, and Section 94.16.03(7) of the Zoning Ordinance Entitled *Review Criteria for Amendments to the Official Zoning Map*.
9. Ordinance No. 16-008 An Ordinance Amending Section 94.16.06(2), (3) and (4) of the Zoning Ordinance Relating to the Conditional Use Permit Approval Process.
10. Ordinance No. 16-009 An Ordinance Amending Section 94.16.11(4) and (5) of the Zoning Ordinance Relating to Variance Procedures.

11. Ordinance No. 16-010 An Ordinance Amending Section 94.16.13(4) of the Zoning Ordinance Relating to Concurring Vote and Decision of an Appeal of a Zoning Interpretation.
12. Ordinance No. 16-011 An Ordinance Amending Section 94.16.15(2) of the Zoning Ordinance Relating to Zoning Administrator Duties.
13. Ordinance No. 16-012 An Ordinance Amending Section 94.3.03(13) of the Zoning Ordinance Entitled *Utility Connections to Principal Building for Human Habitation*.
14. Ordinance No. 16-013 An Ordinance Amending Section 94.16.19(1) of the Zoning Ordinance Entitled *Violations*, and Section 94.16.19(3) of the Zoning Ordinance Entitled *Penalties*.
15. Ordinance No. 16-014 An Ordinance Amending Figure 5.01 (1) of the Village Zoning Ordinance Entitled *Rural, Open Space and Residential District Lot Dimension and Intensity Standards*.
16. Ordinance No. 16-015 An Ordinance Amending Section 94.5.08(1)(b) and (d) of the Zoning Ordinance Relating to Calculating Maximum Permitted Density in the AR District.
17. Ordinance No. 16-016 An Ordinance Amending Section 94.16.09(4) of the Zoning Ordinance Relating to Site Plan Procedures Application Contents.
18. Ordinance No. 16-006 An Ordinance Amending Section 94.13.08 of the Zoning Ordinance Entitled *One-Time Event Signs*.
19. Ordinance No. 16-021 An Ordinance Creating Section 94.4.10(13) of the Zoning Ordinance Entitled *Temporary Sales by Mobile Food Vendors* and Adding This New Temporary Land Use to the Temporary Land Use Category Within the Charts Displayed in Figures 3.04 and 3.05 of the Village Zoning Ordinance and Amending Section 94.17.04 Definitions of the Zoning Code to Create Definitions Related to This New Use.
20. Ordinance No. 16-022 An Ordinance Adopting the 2016 Official Zoning Map and Official Extraterritorial Zoning Map for the Village of Weston.

There were no comments from anyone in the audience.

Stenstrom confirmed these all include the Town too.

Diesen confirmed Ordinance 16-021 was similar to that of Wausau. Wehner stated it is, though we did not include the 32 square foot maximum requirement.

Stenstrom pointed out within Ordinance 16-005, in the table Figure 6.03, Asphalt products manufacturing plants are considered Conditional Uses within the WHP-A and WHP-B. Then within that same table, Petroleum products processing is considered Prohibited in WHP-A, and Conditional in WHP-B. Stenstrom feels these two land uses are basically the same, and would recommend that Asphalt products manufacturing plans be Prohibited (R) within the WHP-A Overlay District.

Higgins pointed out Ordinance 16-022 is to re-adopt the zoning map for the 2016 Official Zoning Map. This takes into consideration updated parcels, shoreland zoning, and Marathon County zoning.

**21. Discussion and Action by Joint Town & Village of Weston Extraterritorial Zoning Committee on Director's recommendation to approve the Zoning Ordinance Amendments Ordinance No. 16-003 through 16-016, 16-021 and 16-022, per the specifications, conditions, and limitations of the submitted staff reports, and forward to the Board of Trustees for their consideration and final approval.**

Diesen closed the hearing for the ETZ at 6:20 p.m.

***Motion by Stenstrom, second by Hull to approve the Zoning Ordinance Amendments Ordinance No. 16-003 through 16-016, 16-021, and 16-022, as discussed along with the recommended changes to the table Figure 6.03, within Ordinance 16-005, and forward on to the Board of Trustees for their consideration and final approval.***

Yes Vote: 4      No Votes: 0      Abstain: 0      Not Voting: 2      Result: PASS

<u>Member</u>	<u>Present</u>
Christiansen, Randy	NO
Diesen, Dave	YES
Hull, Mark	YES
Kollmansberger, Tina	YES
Olson, Milt	NO
Stenstrom, Mike	YES

**22. Discussion and Action by Village Plan Commission on Director's recommendation to approve the Zoning Ordinance Amendments Ordinance No. 16-003 through 16-016, 16-021 and 16-022, per the specifications, conditions, and limitations of the submitted staff reports, and forward to the Board of Trustees for their consideration and final approval.**

White received no comments from the audience, and closed the hearing at 6:21 p.m.

*Motion by Schuster, second by Diesen to approve the Zoning Ordinance Amendments Ordinance No. 16-003 through 16-016, 16-021, and 16-022, as discussed along with the recommended changes to the table Figure 6.03, within Ordinance 16-005, and forward to the Board of Trustees for their consideration and final approval.*

Yes Vote: 6      No Votes: 0      Abstain: 0      Not Voting: 1      Result: PASS

<u>Member</u>	<u>Voting</u>
Diesen, Dave	YES
Johnson, Marty	YES
Kollmansberger, Tina	YES
Schuster, Fred	YES
Stenstrom, Mike	YES
White, Loren	YES
Zeyghami, Hooshang	NO

**C. PUBLIC COMMENT – ETZ.**

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**23. Comments from the public on issues, which the ETZ has oversight, or on business items that might be recommended to the Board of Trustees.**

None.

**D. CONSENT ITEMS – ETZ.**

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**24. Approve previous meeting(s) minutes from the ETZ, March 14, 2016.**

*Motion by Hull, second by Stenstrom, to approve previous meeting(s) minutes from the ETZ, March 14, 2016.*

Yes Vote: 4      No Votes: 0      Abstain: 0      Not Voting: 2      Result: PASS

<u>Member</u>	<u>Present</u>
Christiansen, Randy	NO
Diesen, Dave	YES
Hull, Mark	YES
Kollmansberger, Tina	YES
Olson, Milt	NO
Stenstrom, Mike	YES

**E. ADJOURN ETZ**

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**25. Adjourn ETZ Committee.**

**Motion by Hull, second by Stenstrom to adjourn at 6:23 p.m.**

**F. PUBLIC COMMENT – PC**

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**26. Comments from the public on issues, which the PC has oversight, or on business items that might be recommended to the Board of Trustees.**

None.

## G. CONSENT ITEMS – PC

### 27. Approve previous meeting(s) minutes from the Plan Commission March 14, 2016, regular meeting.

*Motion by Diesen, second by Johnson, to approve the Plan Commission March 14, 2016 regular meeting minutes.*

Yes Vote: 6

No Votes: 0

Abstain: 0

Not Voting: 1

Result: PASS

<u>Member</u>	<u>Voting</u>
Diesen, Dave	YES
Johnson, Marty	YES
Kollmansberger, Tina	YES
Schuster, Fred	YES
Stenstrom, Mike	YES
White, Loren	YES
Zeyghami, Hooshang	NO

## H. NEW BUSINESS - PC

### 28. Discussion and Action by Plan Commission on Director's Recommendation to approve the Site Plan for Building and Parking Lot Additions at Briqs Soft Serve, 3907 Schofield Avenue (CSIT-3-16-1570), per the specifications, conditions, and limitations of the submitted staff report.

Wehner explained the project. He stated due to a couple of things that do not meet code, this site plan is being brought before Plan Commission for their recommendation. With the landscaping, their point values do not match up to what the minimum points should be. Wehner did not see any information on what kind of materials are being used on the enclosure. In the new code, parking requirements are based on the size of the building. The number of proposed parking stalls exceeds the quantity they can have; however, when considering the nature of this business, they require more parking stalls to accommodate the number of customers who come here (which staff agrees with). The lighting plan does not show any lighting on the northeast corner of the property. This plan shows a painted pedestrian walkway from the right-of-way sidewalk partway up the driveway, but does not take you all the way up to the building, and with the amount of pedestrian traffic they receive, staff would like to see this pedestrian walkway continue all the way up to the building.

Tom Radenz, REI Engineering, introduced people in attendance who were part of this project (Kevin Briquelet Miller, Josh Osswald, Tom Ellenbecker). Radenz explained this is similar to the reconstruction of Briq's in Wausau. They want to try to keep the business open while they perform the construction. He pointed out that due to the elevations, this site does not meet ADA requirements from the road up to the building, which is why there is the break in the pedestrian walkway. He explained the building additions and new features for open seating areas and dog walk area. He explained to Wehner that the details sheet of the site plan does explain the materials for the refuse/recycling enclosure, which will be cedar fence, stained to match the building.

Diesen questioned the metal shed on the property. Briquelet Miller indicated that the shed is planned to remain to be used for yard equipment, but that it will be painted to match the rest of the property.

There was lengthy discussion on the pedestrian walkway. Radenz explained that the ADA requirements are that a walkway needs to be provided from the building to the nearest parking stall, and that due to the elevations of this site, they would be violating ADA standards by placing the walkway from the building all the way to the right-of-way. There will be a pedestrian walkway from the right-of-way up to the parking lot.

There was lengthy discussion on the landscaping point requirements, and how their accommodating the parking needs for their customers is what is creating a hardship for them in meeting the general yard landscaping requirements. Higgins reminded that Plan Commission has the authority to allow modifications in the requirements. There was discussion of allowing the applicant to work with staff to meet at minimum 2,162 points.

**Motion by Johnson, second by Kollmansberger, to approve CSIT-3-16-1570 per staff recommendations (which includes the lighting issue and to allow the parking to exceed the 150%) and the owners working with staff on the landscaping points to achieve 2,162 points, and the condition that there be a pedestrian concrete sidewalk and then a striped crosswalk across the drive thru lane to the center island.**

Yes Vote: 6

No Votes: 0

Abstain: 0

Not Voting: 1

Result: PASS

<u>Member</u>	<u>Voting</u>
Diesen, Dave	YES
Johnson, Marty	YES
Kollmansberger, Tina	YES
Schuster, Fred	YES
Stenstrom, Mike	YES
White, Loren	YES
Zeyghami, Hooshang	NO

**29. Discussion and Action by Plan Commission on Director's Recommendation to approve the Zoning Permit for IMR BP, 4101 Schofield Avenue (ZONE-3-16-6594), per the specifications, conditions, and limitations of the submitted staff report.**

Owners, Irv and Keith Rybacki were present via international phone conference.

Wehner explained this project, where the owners would like to convert a large office area into a small bar and tasting area. Initially concerns with parking, which the owners have been able to show they meet the minimum parking spaces required, showing they have 19 parking spaces, though they only need 16 per code. The other concern staff has is with the que for the car wash, which if not properly maintained, could cause problems for egress and ingress. The owners have shown that there is adequate room; however, car wash customers would need to drive partially on the neighboring property to the south, which Rybacki's do have permission from the neighbor (Sanders) allowing this to occur. Staff would like to see a cross access agreement between the two owners indicating this. Staff also would like to see striping for the parking stalls and for the car wash que. There was also discussion of pedestrian crosswalk striping to be added at the time they upgrade their parking lot.

Higgins explained that normally a Zoning permit would not come before Plan Commission, as they normally are approved by staff; however, Trustee Ziegler requested when this proposed use came back for review that it come before Plan Commission for their consideration, because the building plans did not meet State code. She explained there will not be any exterior remodeling occurring, and there will be no access through the building from the convenience store to the tasting room (customers will have to enter through other exterior doors). She stated both will have their own restrooms, which are ADA compliant.

Schuster asked Rybacki if it is their intent to install gambling machines. Rybacki answered "no" to Schuster's question.

Higgins stated upon this approval by Plan Commission, the next step will be Rybacki's liquor license going before the CLPS committee for consideration (which will be held Monday, April 25<sup>th</sup>).

**Motion by Kollmansberger, second by Johnson, to approve ZONE-3-16-6597, per staff recommendation.**

Yes Vote: 6

No Votes: 0

Abstain: 0

Not Voting: 1

Result: PASS

<u>Member</u>	<u>Voting</u>
Diesen, Dave	YES
Johnson, Marty	YES
Kollmansberger, Tina	YES
Schuster, Fred	YES
Stenstrom, Mike	YES
White, Loren	YES
Zeyghami, Hooshang	NO

## **I. DISCUSSION AND REVIEW OF COMPREHENSIVE PLAN DRAFT CHAPTERS**

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### **30. Chapter 2 Community Vision**

Higgins pointed out the changes to the chapter, based on everyone's comments. This will now go back to Mark Roffers, who will be taking all of the chapters and renumbering and reorganizing their placements. These will then come back to PC for final review and recommendation to the Board for approval in August. She stated the Economic Development Chapter is the only one yet hanging out there.

*Motion by Schuster, second by Johnson, to approve Chapter 2 Community Vision, to approve and move this on to the final approval process.*

Yes Vote: 6

No Votes: 0

Abstain: 0

Not Voting: 1

Result: PASS

<u>Member</u>	<u>Voting</u>
Diesen, Dave	YES
Johnson, Marty	YES
Kollmansberger, Tina	YES
Schuster, Fred	YES
Stenstrom, Mike	YES
White, Loren	YES
Zeyghami, Hooshang	NO

## **J. REPORTS FROM STAFF**

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### **31. Report from Planning and Development Director.**

Higgins pointed out her monthly report. Higgins requested, if possible, on May 9<sup>th</sup>, for the Plan Commissioners to arrive early (at 4:30 p.m.) to be present for the JSD presentation of the SE Quadrant Neighborhood Plan. This will consist of a half hour presentation, followed by an hour-long open house. Plan Commission will then hold their regular meeting that night at 6:00 p.m. This presentation will take the place of the CDA meeting. She brought up upcoming meetings with staff, JSD, DOT, and DNR, on the SE Quadrant project.

### **32. Staff Report on staff-approved CSM's, Site Plans, Sign Permits, Commercial Zoning Permits, and Certificate of Occupancies issued since last reported of 03/14/2016.**

## **K. REMARKS FROM COMMISSIONERS.**

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Diesen stated he will not be present at the May 9<sup>th</sup> meeting.

White announced to the Plan Commission the resignation letter submitted to him by Stenstrom, and thanked Stenstrom for his years of service on the Plan Commission and ETZ.

## **L. DISCUSS ITEMS TO BE INCLUDED FOR NEXT AGENDA.**

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### **M. Set next regular meeting date for Monday, May 9, 2016, at 6:00 P.M.**

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- \* **SE Quadrant Open House on Monday, May 9, 2016.**
- \* **Formal Presentation by JSD to CDA & PC from 4:30 – 5:00 p.m.**
- \* **Public Engagement Session and Open House from 5:00 p.m. – 6:00 p.m.**

## **N. ADJOURN.**

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### **13. Adjourn Plan Commission.**

**Stenstrom motioned, Kollmansberger seconded to adjourn at 7:40 p.m.**

Loren White, Chairman

Jennifer Higgins, Director of Planning & Development

Valerie Parker, Recording Secretary